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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,776	09/29/2003	Nayel Saleh	6065-88618	2480
24628	7590	10/13/2009	EXAMINER	
Husch Blackwell Sanders, LLP			ELAHEE, MD S	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,776	<b>Applicant(s)</b> SALEH ET AL.
	<b>Examiner</b> MD S. ELAHEE	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 31 July 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1448 or PTO/1449/00)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to an amendment filed on 07/31/2009. Claims 1-20 are pending.

***Response to Arguments***

2. The arguments filed in the 07/31/2009 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-6, 8-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ramey** et al. (U.S. 6,298,128) in view of **Silberfenig** et al. (U.S. 2001/0041590).

Regarding claims 1 and 13, **Ramey** teaches a method of contact manipulation and retrieval in an automatic call distribution system (col.1, lines 58-60), comprising the steps of:

receiving a voice contact including voice contact message (col.4, lines 59-64, col.5, lines 15-22, 53-56);

converting the voice message to data in digitized, packetized form and to text form thereby forming voice information based text contact data (fig.2; col.4, lines 59-64, col.5, lines 15-22, 53-64, col.6, lines 41-45);

storing the voice message based text contact data in a data repository of voice message based text contact data of past voice contacts for use in post-processing research (col.4, lines 62-64, col.5, lines 15-22);

receiving a key word search term from a searcher conducting a post-contact search subsequent to the voice contacts for post-processing searching of the voice message based text contact data (col.5, lines 53-64);

searching the data repository of past voice contacts at a time after the voice contact based upon the search term (fig.3; col.5, lines 53-64);

wherein the data repository of past voice contacts text data is key word searched for at least one voice item of information using the received search term (col.5, lines 53-64).

However, **Ramey** does not teach converting the packetized data to text using speech recognition. It is obvious that **Ramey** suggests the limitation. This is because **Ramey** teaches converting the voice contact information using combination of codec and DSP (col.4, lines 59-64, col.5, lines 15-22, 53-64). **Ramey** further teaches displaying originating message caller ID name on the display device 118 in fig.1 (see fig.2; col.6, lines 41-45). It clearly means that the displayed information on the display device 118 is **text** which is must be converted from the voice contact information. **Silberfenig** teaches converting the packetized data into text using speech recognition (fig.5; page 5, paragraph 0048). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add speech recognition to **Ramey**'s invention for converting the packetized data as taught by **Silberfenig**'s invention in order to provide users with more accurate digitized data of the actual voice data.

Regarding claims 2, 10 and 14, **Ramey** teaches that the message is a voice message, and wherein the voice message is inherently packetized to thereby convert contact information in the voice message to contact data (abstract; fig.2, 4; col.4, lines 59-64).

Regarding claims 3, 11 and 15, **Ramey** teaches that the message is a voice message, and wherein the voice message is converted to digitized [i.e., text] as the contact data (col.4, lines 59-64).

Regarding claims 4, 12 and 16, **Ramey** teaches that the message is a voice message, and wherein the voice message is packetized, and wherein the packetized voice message is converted to text as the contact data (abstract; fig.2, 4; col.4, lines 59-64, col.7, line 64- col.8, line 15).

Regarding claims 5 and 17, **Ramey** teaches that the system has at least one agent, and wherein the method further comprises providing at least one plug-in that implements conversion and storing of contact data in the automatic call distribution system (abstract; fig.2, 4; col.1, lines 58-60, col.4, lines 59-64, col.7, line 64- col.8, line 15). (Note; agents are software routines and algorithms)

assigning inherently the at least one plug-in to the agent (abstract; fig.2, 4; col.4, lines 59-64, col.7, line 64- col.8, line 15).

activating the at least one plug-in for the agent when a message having contact information is received at the automatic call distribution system (abstract; fig.2, 4; col.4, lines 59-64, col.7, line 64- col.8, line 15).

Regarding claims 6 and 18, **Ramey** teaches that the automatic call distribution system has a plurality of agents and a plurality of plug-ins, and wherein the method further comprises determining inherently for a respective agent of the plurality of agents the at least one plug-in, which is assigned to the respective agent (abstract; fig.2, 4; col.4, lines 59-64, col.5, lines 15-22, 53-64, col.7, line 64- col.8, line 15). (Note; agents are software routines and algorithms)

Claim 8 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Ramey** teaches that messages are converted to text stored in a central repository for use in post-processing and search for key word matches (col.4, lines 59-64, col.5, lines 15-22, 53-64).

Claim 9 is rejected for the same reasons as discussed above with respect to claims 1, 5 and 6. Furthermore, **Ramey** teaches a plurality of format conversion plug-ins (abstract; fig.2, 4; col.4, lines 59-64, col.7, line 64- col.8, line 15).

Regarding claim 20, **Ramey** does not specifically teach “the communication system is an automatic call distribution system”. **Silberfenig** teaches that the communication system is an automatic call distribution system (fig.1; item 112). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Ramey** to incorporate the communication system being an automatic call distribution system as taught by **Silberfenig**. The

motivation for the modification is to have doing so in order to connect a caller to one of a plurality of agents in order to meet caller's need.

7. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ramey** et al. in view of **Silberfenig** et al. further in view of **Holmes**, JR. (U.S. Pub. No. 2002/0138296).

Regarding claims 7 and 19, **Ramey** teaches activating the plug-in for the agent (abstract; fig.2, 4; col.4, lines 59-64, col.7, line 64- col.8, line 15). However, **Ramey** in view of **Silberfenig** does not specifically teach "the agent logs onto the automatic call distribution system". **Holmes** teaches that the agent logs onto the automatic call distribution system (page 6, paragraph 0075). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Ramey** in view of **Silberfenig** to allow the agent logging onto the automatic call distribution system as taught by **Holmes**. The motivation for the modification is to provide status of agent.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/  
MD SHAFIU ALAM ELAHEE  
Primary Examiner  
Art Unit 2614  
October 13, 2009